

REMARKS

1. The Amendment of July 29, 2008 is alleged to be non-compliant because the listing of the Claims does not include the text of all pending Claims. More particularly, the Office alleges that the text of Claim 97 is missing from the Claims. Applicant respectfully disagrees.

The Office is reminded that Applicant, in spite of its misgivings, renumbered the Claims at the Office's direction, even though the Rules of Practice provide no guidance in renumbering of claims by the Applicant. Original Claim 98 had been cancelled from the Application. Thus, all that remained of original Claim 98 in the Claims was a placeholder indicating that the subject matter had been cancelled from the Claims. When the Claims were renumbered, the placeholder for cancelled Claim 98 was renumbered as "97," however, the placeholder properly included no subject matter because it had been cancelled from the Claims. Had the Office reviewed the file history more carefully, it would have recognized that the placeholder numbered "97" properly included no subject matter, averting the need for issue of the present Notice.

Applicant amends the placeholder numbered "97" to include the status identifier "cancelled." Should the Office consider such amendment improper, Applicant respectfully requests telephonic notification so that the error can be promptly corrected.

5. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,



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